

REMARKS

As a preliminary matter, Applicants respectfully request an initialed copy of the Form PTO-1449 submitted with the Information Disclosure Statement filed on February 12, 2004.

Claims 21 and 22 have been rewritten in independent form including the features of the base claims. Claims 21 and 22 are now believed to be allowable as indicated by the Examiner.

Claims 1 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Takashita (US 6,556,524). Applicants respectfully traverse this rejection because the cited reference does not disclose (or suggest) that the read or write margin becomes less than or equal to a first predetermined value. The read or write margin is based on an error rate obtained as a result of a test write and read without error correction, as now described in independent claims 1 and 10.

The Office Action states that the claimed read or write margin is disclosed by the “parameter of recording power”. As described in column 7, line 24 - column 8, line 36 and also Table 1 of the Takeshita reference, the parameters of recording power are “the number of frame sync signals” and “ β value.” The β value is calculated from expression (1) based on the top and bottom peak levels of the high/frequency signal.

In contrast, the claimed read or write margin in the present invention is based on an error rate obtained as a result of a test write and read without error correction, which is

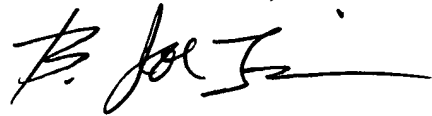
not disclosed (or suggested) in Takeshita. For this reason, independent claims 1 and 10, and their dependent claims 2-7 and 11-18, are allowable over Takeshita.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. The Examiner should contact Applicants' undersigned attorney if a telephone conference would expedite prosecution.

Respectfully submitted,

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December 28, 2004

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